

Los Angeles Region Conditional Waiver for Irrigated Lands



Frequently Asked Questions

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Introduction

On November 3, 2005, the Los Angeles Regional Water Quality Control Board adopted a Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands within the Los Angeles Region (Order No. R4-2005-0080). The Regional Board developed this waiver in response to legislative action in 2002, which mandated that waivers from waste discharge requirements include monitoring programs to assess the effects of discharges on water quality. If you own or operate irrigated lands, you must meet the requirements of the conditional waiver or, alternatively, submit a report of waste discharge and apply for a discharge permit.

This document presents answers to Frequently Asked Questions by dischargers and other stakeholders regarding the background and requirements of the Conditional Waiver.

Frequently Asked Questions

- What is the Los Angeles Regional Water Quality Control Board (Regional Board)?

The Los Angeles Regional Board is a State of California agency that regulates water quality within the coastal watersheds of Ventura and Los Angeles counties under the authorities of the Clean Water Act and Porter Cologne Water Quality Control Act. The Los Angeles Regional Board is one of nine Regional Boards in the state, and the Regional Board's programs and activities are coordinated and overseen by the State Water Resources Control Board. The State and Regional Boards, as part of the California Environmental Protection Agency, have the mission "to preserve, enhance and restore the quality of California's water resources, and ensure their proper allocation and efficient use for the benefit of present and future generations."

■ Why did the Regional Board adopt a Conditional Waiver for Irrigated Lands?

The Porter Cologne Water Quality Control Act mandates that discharges of wastes to waters of the state must be regulated either by permits or Conditional Waivers. The Conditional Waiver is designed to prevent the degradation of water quality and to protect beneficial uses of waters of the state for the public. Discharges from irrigated lands may contain suspended sediments, nutrients and pesticides that were applied to crops, which can impair waterbodies when discharged. The Conditional Waiver Program is designed to protect water quality and assist agricultural operations comply with the Porter Cologne Water Quality Control Act.

■ What are irrigated lands?

Irrigated lands are “lands where water is applied for the purpose of producing crops” within the Los Angeles Region, including row and field crops, orchards, vineyards, irrigated pasture, and managed wetlands and commercial nurseries that are not covered by another Regional Board program or permit.

■ What is waste?

Waste is broadly defined under California law and includes all waste substances associated with crop production and related activities (e.g., pesticides, nutrients, salt, selenium, boron, sediment, etc.).

■ What are waters of the state?

“Waters of the State” include groundwater and surface water. They include waters in public and private channels, and waters in constructed channels and natural channels. The Irrigated Lands Conditional Waiver Program initially focuses on discharges to surface waters.

■ Am I a discharger?

A discharger is an owner and/or operator of irrigated lands that discharges waste directly or indirectly to waters of the state (e.g., in irrigation return flows, tail water, stormwater runoff, operational spills, subsurface drainage etc.), or a public or private entity that transports or releases discharges from irrigated lands to waters of the state (e.g. a reclamation district).

■ What are the options for complying with the Conditional Waiver for Irrigated Lands?

The Conditional Waiver provides two options for dischargers – the Conditional Waiver for Discharger Groups and the Conditional Waiver for Individual Owners and Operators of irrigated lands. Dischargers can choose whichever track they wish in order to comply with the Water Code. The initial requirements for compliance (i.e. enrollment) with the conditional waiver, for both groups and individuals, include submission of a Notice of Intent, Monitoring and Reporting Program Plan and a Quality Assurance Project Plan to the Los Angeles Regional Water Quality Control Board by **August 3, 2006**.

■ What are the Conditional Waiver conditions?

The Conditional Waiver requires: 1) submittal of a Notice of Intent to comply with the waiver or participation in a discharger group that submits a Notice of Intent to comply with the waiver; 2) conduct water quality monitoring, according to a Monitoring and Reporting Program Plan that satisfies the requirements detailed in the Regional Board's Conditional Waiver; 3) submit annual monitoring reports, and development and implementation, if necessary, of a Water Quality Management Plan to reduce pollutant loading to surface waters; 4) complete 8 hours of training on water quality management practices. If water quality parameters exceed trigger values specified in the Conditional Waiver management practices must be implemented to reduce or eliminate the impacts on water quality.

■ What is a discharger group?

A discharger group is any group receiving Regional Board approval to operate under the terms and conditions of the conditional waiver for a discharger group. In addition to dischargers, groups may include representatives from diverse interests such as the County Farm Bureaus, UC Cooperative Extension, County Agricultural Commissioners, Resource Conservation Districts, Natural Resources Conservation Service, local water agencies and water districts, irrigation districts, grower groups, environmental interests, and other local, state or federal government agencies. Many owners and operators of irrigated lands may find it advantageous to join a discharger group to reduce the cost of compliance.

■ What are the steps that an owner or operator should take to ensure coverage under the Conditional Waiver for Irrigated Lands, either as an individual or as a discharger group member?

Dischargers who choose to comply with the Conditional Waiver for Irrigated Lands as individuals must file a Notice of Intent, Monitoring and Reporting Program Plan, and Quality Assurance Project Plan with the Los Angeles Regional Board by **August 3, 2006**. Discharger groups, in order to comply with the Conditional Waiver for Irrigated Lands must file a group Notice of Intent, Monitoring and Reporting Program Plan, and Quality Assurance Project Plan with the Los Angeles Regional Board by **August 3, 2006**.

■ What is a Water Quality Management Plan?

Dischargers are required to prepare and implement a Water Quality Management Plan (WQMP) if monitoring results indicate that a water quality benchmark has been exceeded. Generally, the WQMP is designed to 1) assess the impacts of waste discharges, 2) implement management practices to alleviate impacts of waste discharges, 3) determine the effectiveness of management practices and strategies to reduce wastes that impact water quality. The WQMP shall include a plan for additional monitoring to show progress towards attainment of the water quality benchmarks. Additional management practices may be necessary if water quality

benchmarks are not being attained.

- Does the Regional Board dictate what management practices must be used?

Management practices are best developed by those with extensive knowledge of crop production, resource management, and local conditions. The growers themselves, as well as other organizations (Resource Conservation Districts, the Natural Resources Conservation Service, UC Cooperative Extension farm advisors, commodity groups etc.), can play a key role in the development of management practices. The Regional Board does not mandate which management practices must be used. The goal of the Regional Board is to improve and protect water quality and the Regional Board understands that there are many ways to achieve this goal.

- Can I lose eligibility for coverage under the Conditional Waiver?

If discharger groups or individual dischargers do not meet waiver conditions, they may lose their coverage under the waiver and/or face enforcement action. Enforcement authority is provided to the Regional Board through section 13267 of the Porter Cologne Water Quality Control Act. Dischargers must submit reports required by the Conditional Waiver in accordance with the schedule established by the Regional Board. Dischargers who do not seek coverage under a conditional waiver or dischargers who lose their coverage must submit a Report of Waste Discharge to the Regional Board and Waste Discharge Requirements may be issued.

- Stay Informed!

Owners and operators of irrigated lands are strongly encouraged to contact local agriculture resource agencies or the Regional Board to learn more about the program and receive updates as the program develops. Sign up on our electronic mail list at the following website:

http://www.waterboards.ca.gov/losangeles/html/email_subs.html

Sign up for regular mail updates by contacting Sandra Kelley at 213-576-6619. Questions regarding the technical aspects of the program should be directed to the following staff:

- Sam Unger at 213-576-6784 or sunger@waterboards.ca.gov
- Rebecca Veiga Nascimento at 213-576-6661 or rveiga@waterboards.ca.gov
- To view the conditional waiver as adopted by the Regional Board and examples of required documents and forms please visit the Regional Board's website at:
<http://www.waterboards.ca.gov/losangeles/html/permits/waivers/waivers.html>